

REMARKS

Claims 1-44 are currently pending in the application. Claims 1-48 were rejected. Claims 1, 24, and 44 have been amended.

Again, Applicant respectfully thanks the examiner for his time in the telephone interview on Jan. 9, 2003. In the interview, the final office action by the examiner was discussed. The examiner agreed that in the Walker reference (6,113, 492), it is not clear where the player tracking software used to control the player tracking devices (e.g., display 162, keypad 164 and card reader 166) in the player tracking card reader 160 is executed.

Rejections under 35 U.S.C. § 112

The Examiner rejected claims 1, 24 and 44 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner asserts the claim language in regards to the separate player tracking hardware unit contradicts prior art FIG. 1 and FIG. 3 because the card reader is shown as separate from the player tracking unit.

In regards to FIG. 1, which includes a simplified block diagram of a player tracking unit 120, the applicant wishes to assert for the Examiner's consideration that the card reader is a part of the player tracking unit and would be considered part of the player tracking unit by one of skill in the art. For the purposes of clarification in FIG. 1, the applicant proposes a drawing correction submitted herein where the box around the player tracking hardware unit is extended around player tracking devices (i.e., the card reader, key pad and display). Further, as noted by the Examiner, a processor is implicit in the player tracking hardware unit for executing player tracking software to operate the player track devices as a player tracking hardware unit. Therefore, for the purposes of clarification in FIG. 1, a processor is added. A corresponding amendment to the specification to describe the proposed drawing change has also been added.

In support of Applicant's assertion, Applicant has attached to the Amendment four photos of a player tracking hardware unit that the Applicant kindly asks the Examiner to consider. This player tracking hardware unit, which is provided for illustrative purposes only, and is not intended to limit the current invention in any way, was publicly shown at a Gaming Exposition in Las Vegas in September 2002. Photo 1 shows a player tracking hardware unit mounted to a top box above the gaming machine. The front panel of the player tracking hardware unit includes four player tracking devices, a speaker, a key pad, a card reader and a display. In this example, the player tracking hardware unit comprises components including a front panel to which the player tracking devices are mounted, a separate box containing the processor and connections for the player tracking devices to the processor. In Photo 2, the processor box is

identified. It is mounted in the back of the top box in this example. In photo 3, the rear view of the front panel of the player tracking hardware unit, swung out from the gaming machine by a hinge, is shown with its attached player tracking devices, i.e., the card reader, display, speaker and key pad. In photo 4, the connections from the player tracking devices to the processor that executes player tracking software for allowing the player tracking devices to operate as a player tracking unit is shown. The processor is located in the processor box shown in photo 2. The front panel with its mounted player tracking devices and the processor box with its processor are both part of the player tracking hardware unit. The proposed drawing change to FIG. 1 is consistent with the example of the player tracking hardware unit shown in photos 1-4.

Further, for the purposes of clarification, claims 1, 24, and 44 have been amended as “wherein the player tracking services are provided without a separate player tracking hardware unit including 1) player tracking devices and 2) a processor, separate from the master gaming controller and connected to the player tracking devices, for executing player tracking software to operate the player tracking devices as the player tracking hardware unit.” This limitation is at least supported in “Background” section, page 2, lines 27-37 where it states,

Typically, when a game player wants to play a game on a gaming machine and utilize the player tracking services on the gaming machine, a game player inserts a magnetic striped card into the card reader 115 mounted in the top box 130. A player's incentive for using the player tracking services are awards provided by the gaming machine operator. After the magnetic striped card has been inserted into the card reader 115, the player tracking unit may detect this event and receive certain information contained on the card. For example, a player's name and address, encoded on the magnetic striped card, may be received by the player tracking unit 120. The player tracking unit 120 may command the display 105 to display the game player's name on the display 105 with a message requesting the game player to validate their identity by entering an identification code using the key pad 110.

In the above paragraph, in response to receiving information from the player tracking card, a processor (not described) executes player tracking software to command the display to provide information and enables information to be received from the key pad. Thus, at least in view of the proposed drawing correction and the claim amendments, the 112 rejection is believed overcome thereby.

Rejections under 35 U.S.C. § 103

The examiner rejected claims 1, 2, 4, 6, 7, 11, 12, 15, 16, 18, 23, 24, 32, 34, 37-39, 41-44, 47-50 under 35 U.S.C. § 103(a) as being unpatentable over Walker, U.S. Patent 6, 113, 492 in view of Johnson et al., U.S. Patent 5, 149, 945. The applicant respectfully traverses these rejections.

The Examiner asserts that Walker in FIG. 1, 6, 7; Col. 14:65-15:24 teaches a master gaming controller designed or configured to provide player tracking services by performing player tracking functions comprising, “b) directly controlling operating features of a plurality of physical devices in response to the player tracking events, c) executing player tracking software that allows the plurality of physical devices to perform the functions of a player tracking unit.” Applicant respectfully disagrees with Examiner’s interpretation of Walker for the following reasons.

In the teleconference Jan. 9, 2003, the examiner agreed that in the Walker reference (6,113, 492), it is not clear where the player tracking software used to control the player tracking devices (e.g., display 162, keypad 164 and card reader 166) in the player tracking unit 160 is executed. In player tracking units, a processor on the player tracking unit executes the player tracking software. Applicant kindly wishes the Examiner to consider that this processor is different than a microcontroller located in one of the player tracking devices. For example, a microcontroller is typically located in each of the player tracking devices, such as the card reader. This microcontroller communicates with the processor on the player tracking unit 160 and does not communicate with the master gaming controller, i.e., the master gaming controller does not see the card reader. Applicants described this scenario the background section of the present invention, where it states,

“A third disadvantage of separate hardware player tracking units is that the devices utilized by the player tracking unit, including the display 105, key pad 110, and card reader 115, are not accessible to the master gaming controller 125 within the gaming machine.”

In the statement above, the player tracking devices are not accessible to master gaming controller because the processor in the player tracking unit executes player tracking software to operate the devices. The devices are operated via commands from the processor to a microcontroller on the player tracking devices. The Acres reference (5,702,304) cited by the Examiner also teaches a processor located on the player tracking unit for operating the player tracking devices.

In the communication dated April 21, 2003 (see page 2), the Examiner asserts that the player tracking unit of prior art FIG. 1 in the current application implicitly includes a data processor to receive data from the card, operate the hardware unit and allow it to communicate with the master gaming controller. Thus, Applicant believes that it would be consistent with the statements of the Examiner to interpret the player tracking device 160 in Walker to also implicitly include, as stated by the Examiner, “a data processor to receive the data from the card, operate the hardware unit 160, and allow it to communicate with the master gaming controller 110.” Applicant believes this interpretation, which is consistent with Examiner’s interpretation of the prior art cited in the present application, is also consistent with how one in the skill of the art in player tracking devices would view the player tracking device of Walker.

In Cols. 14:65-15:12 of Walker, as cited by the Examiner, the slot machine is described as receiving information from a tracking card inserted in the card reader and forwarding it the slot server for player tracking. Further, as previously agreed upon by the Examiner, in Walker, it is not clear where the logic for performing these functions is executed. Thus, based upon the prior art cited by the Examiner and the Applicant, it is reasonable to assume that the player tracking device 160 of Walker includes a data processor to operate the hardware unit 160 and communicate with the master gaming controller and Walker does not teach the limitation of a master gaming controller that is capable of "executing player tracking software that allows the plurality of physical devices to perform the functions of a player tracking unit," as recited in Claim 1 of the present invention because these functions are performed by a processor located in the player tracking unit. If Examiner believes Walker does teach this limitation, then Applicant respectfully asks the Examiner to point out where it is described. Therefore, for at least these reasons, Walker can not be said to teach or suggest a master gaming controller with limitations as recited in the claims of the present invention.

Johnson teaches the elimination of a microprocessor in a smart card reader that controls the card interface and accepts commands from a host processor. Therefore, the combination of Walker and Johnson teaches a player tracking hardware unit 160 including a host processor (not shown) a display 162, a key pad 164 and a card reader 166 without a microcontroller. In the combination, the host processor on the player tracking hardware unit 160 controls the card reader. Player tracking hardware units, as described in Walker, inherently include a host processor that execute player tracking software that allows the player tracking devices to operate as a player tracking hardware unit. For instance, as previously described, when a card is inserted into a card reader the host processor in the player tracking hardware unit can receive player tracking information and send instructions to a display allowing a user to view the instructions on the display. The format and type of information displayed is encoded in the player tracking software executed by the host processor on the player tracking unit. Johnson teaches that the microcontroller in the card reader only controls the interface to the card reader, such as detecting a card has been inserted, reading information from the card, and accepting commands from the host processor. By eliminating the microprocessor in the card reader, the hardware of the player tracking hardware unit may be simplified but a separate player tracking hardware unit is still required as embodied in Walker. Thus, the combination of Walker and Johnson does not teach all of the limitations of the present invention as described in claims 1, 2, 4, 6, 7, 11, 12, 15, 16, 18, 23, 24, 32, 34, 37-39, 41-44, 47-50.

Applicant kindly wishes the Examiner to consider that in the past player tracking hardware units have included separate processors, for among other reasons, because of the highly regulated nature of gaming software used to generate a game of chance on gaming machines. The regulatory requirements necessitate that any gaming software changes be approved by a regulatory agency, which is time consuming and expensive. When a separate processor on the

player tracking hardware unit is used to execute player tracking software, the player tracking software can be decoupled from the gaming software so that changes in the player tracking software do not affect the gaming software in a manner that requires re-approval of the gaming software. When implemented on a separate processor in the player tracking unit, the regulatory approval process for the player tracking software is much less burdensome as compared to gaming software.

FIG. 3 of the present application illustrates a software architecture that provides modular software units that are somewhat decoupled from one another. This decoupling via the software architecture is designed to help to overcome some of the regulatory burdens associated with combining the gaming software and player tracking software and executing them on the same processor. None of these issues are discussed in Walker and Johnson. In particular, Johnson seems to be totally unrelated to gaming. Applicant then asks where is there a motivation or suggestion in Walker or Johnson to carry out the modifications proposed by the Examiner? Applicants believe there is not one. Therefore, for at least these reasons, Walker and Johnson, alone or in combination, can't be said to render obvious claims 1, 2, 4, 6, 7, 11, 12, 15, 16, 18, 23, 24, 32, 34, 37-39, 41-44, 47-50 and the rejection is believed overcome thereby.

Claims **5, 8, 35 and 40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in View of Johnson in further view of Acres 6,317, 852.

Examiner relies on Acres in regards to displays and progressive and bonus games. The combination of Walker, Johnson and Acres does not correct the deficiencies described with respect to the combination of Walker and Johnson above in regards to not teaching all of the limitations of the present invention and lack of motivation to combine. Therefore, for at least these reasons, Walker, Johnson and Acres, alone or in combination, can't be said to render obvious claims 5, 8, 35 and 40 and the rejection is believed overcome thereby.

Claims **9, 10 and 25-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in View of Johnson in further view of Lichtman 5, 819,107.

Examiner relies on Lichtman in regards to software drivers and protocols. The combination of Walker, Johnson and Lichtman does not correct the deficiencies described with respect to the combination of Walker and Johnson above in regards to not teaching all of the limitations of the present invention and lack of motivation to combine. Therefore, for at least these reasons, Walker, Johnson and Lichtman, alone or in combination, can't be said to render obvious claims 9, 10 and 25-31 and the rejection is believed overcome thereby.

Claims **13 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in View of Johnson in further view of Boushy 6, 183,362.

Examiner relies on Boushy in regards to networks. The combination of Walker, Johnson and Boushy does not correct the deficiencies described with respect to the combination of Walker and Johnson above in regards to not teaching all of the limitations of the present invention and lack of motivation to combine. Therefore, for at least these reasons, Walker,

Johnson and Boushy, alone or in combination, can't be said to render obvious claims 13 and 14 and the rejection is believed overcome thereby.

Claims 17, 21, 22, 33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in View of Johnson in further view of Acres 5,702,304.

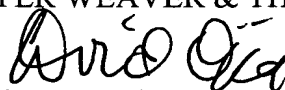
Acres teaches that the player tracking services are provided with a separate player tracking hardware unit including 1) player tracking devices and 2) a processor, separate from the master gaming controller and connected to the player tracking devices, for executing player tracking software to operate the player tracking devices as the player tracking hardware unit. Thus, Acres teaches away from the present invention rendering the combination improper. Further, the combination of Walker, Johnson and Acres does not correct the deficiencies described with respect to the combination of Walker and Johnson above in regards to not teaching all of the limitations of the present invention and lack of motivation to combine. Therefore, for at least these reasons, Walker, Johnson and Acres, alone or in combination, can't be said to render obvious claims 17, 21, 22, 33 and 36 and the rejection is believed overcome thereby.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in View of Johnson in further view of Pease (5,766,076) and Kelly (6,293,865).

Examiner relies on Pease and Kelly in regards to input devices. The combination of Walker, Johnson, Kelly and Pease does not correct the deficiencies described with respect to the combination of Walker and Johnson above in regards to not teaching all of the limitations of the present invention and lack of motivation to combine. Therefore, for at least these reasons, Walker, Johnson, Pease and Kelly, alone or in combination, can't be said to render obvious claims 20 and the rejection is believed overcome thereby.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

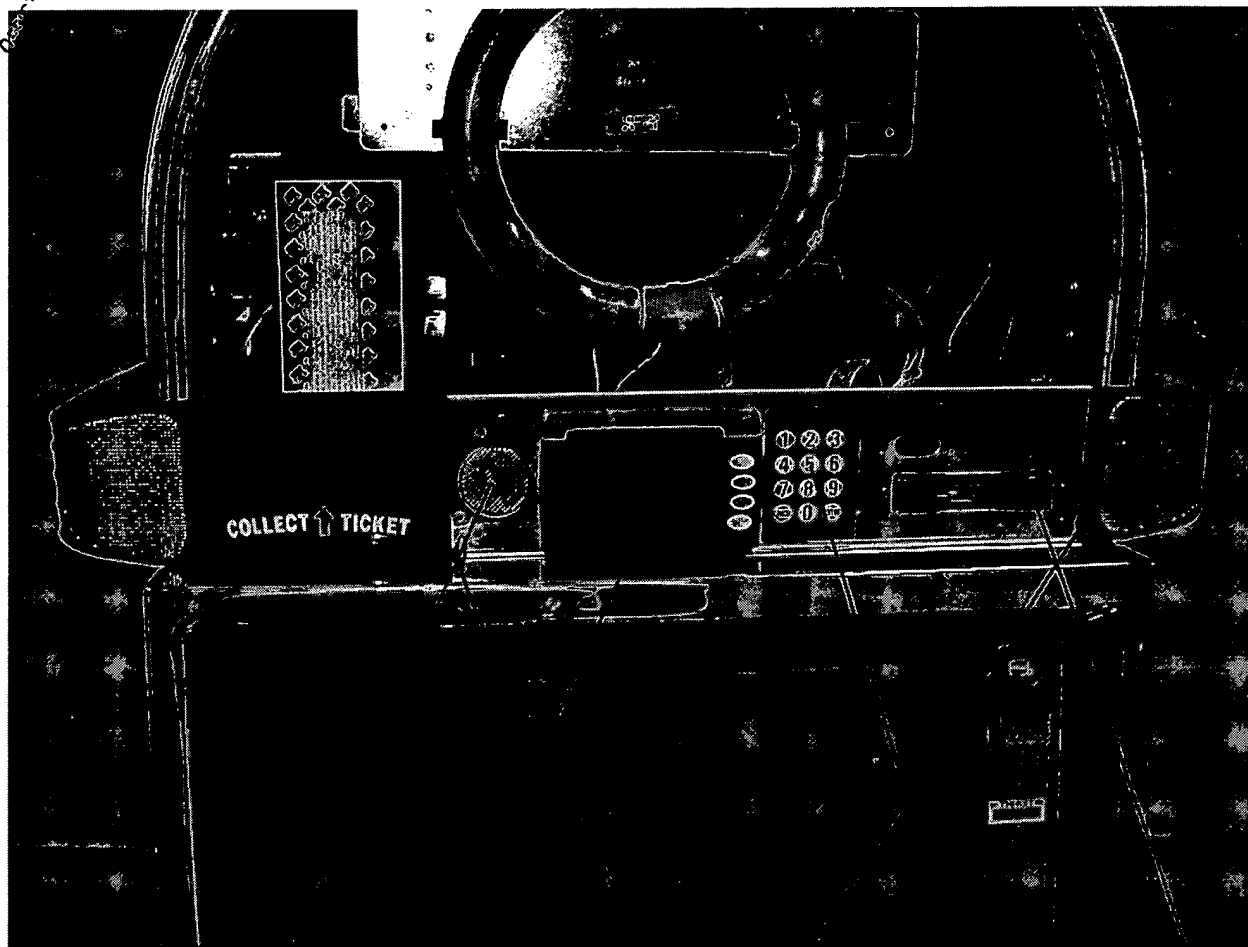


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speaker

Display

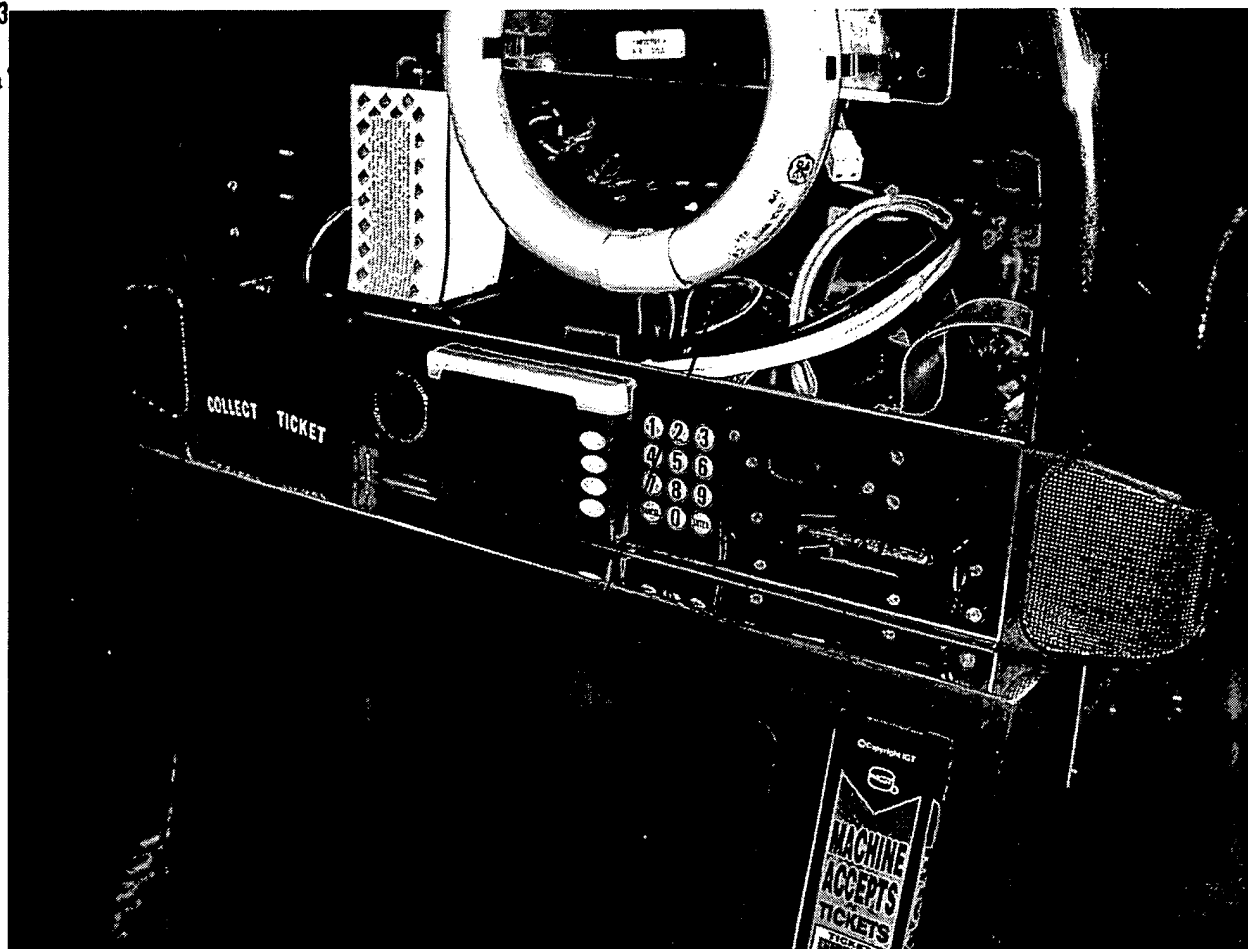
Front panel
of
player tracking
unit

Key pad

Card
reader

~~Page 2~~
Photo 1

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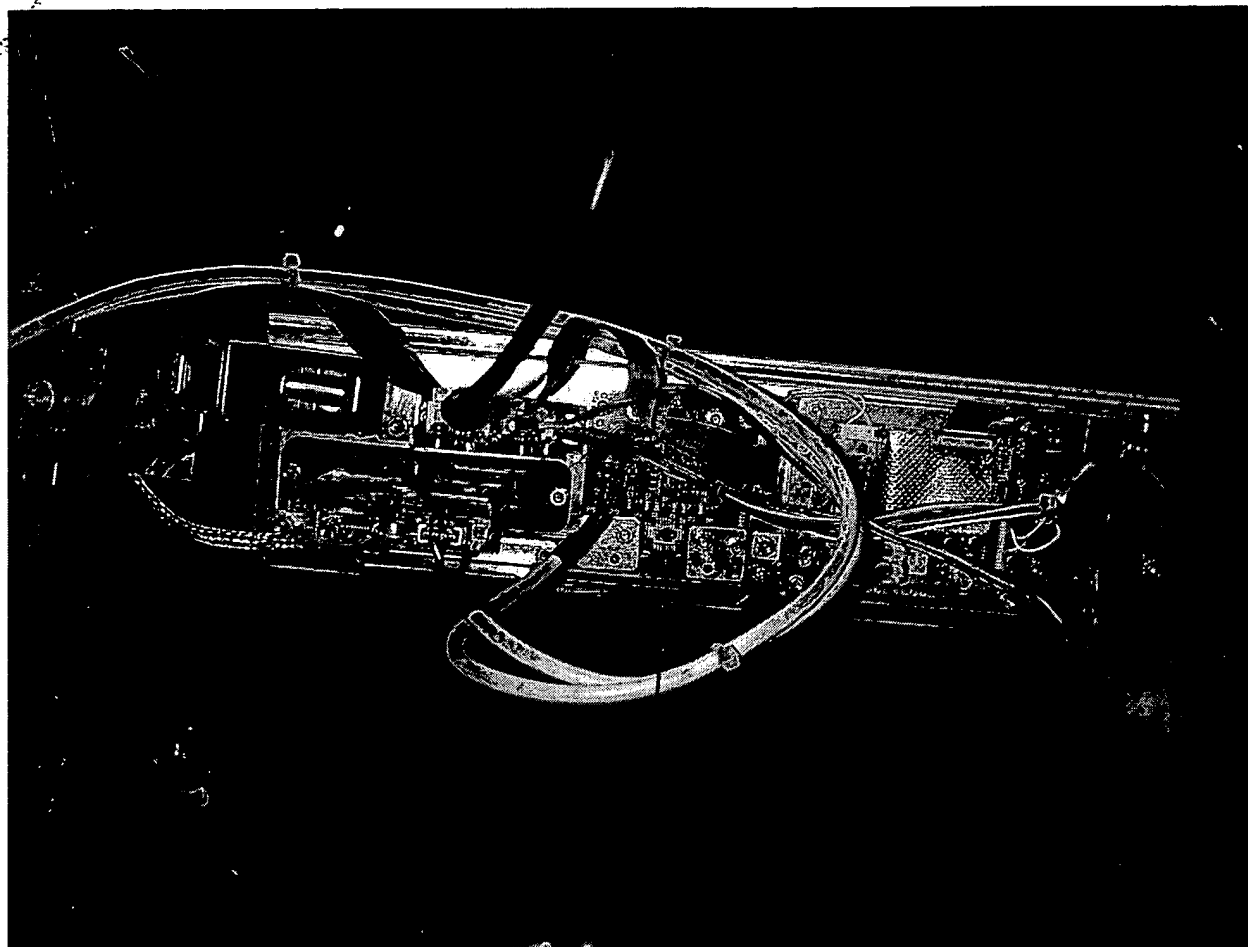
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processor
housing for
player tracking
unit processor

~~Figure~~
Photo 2

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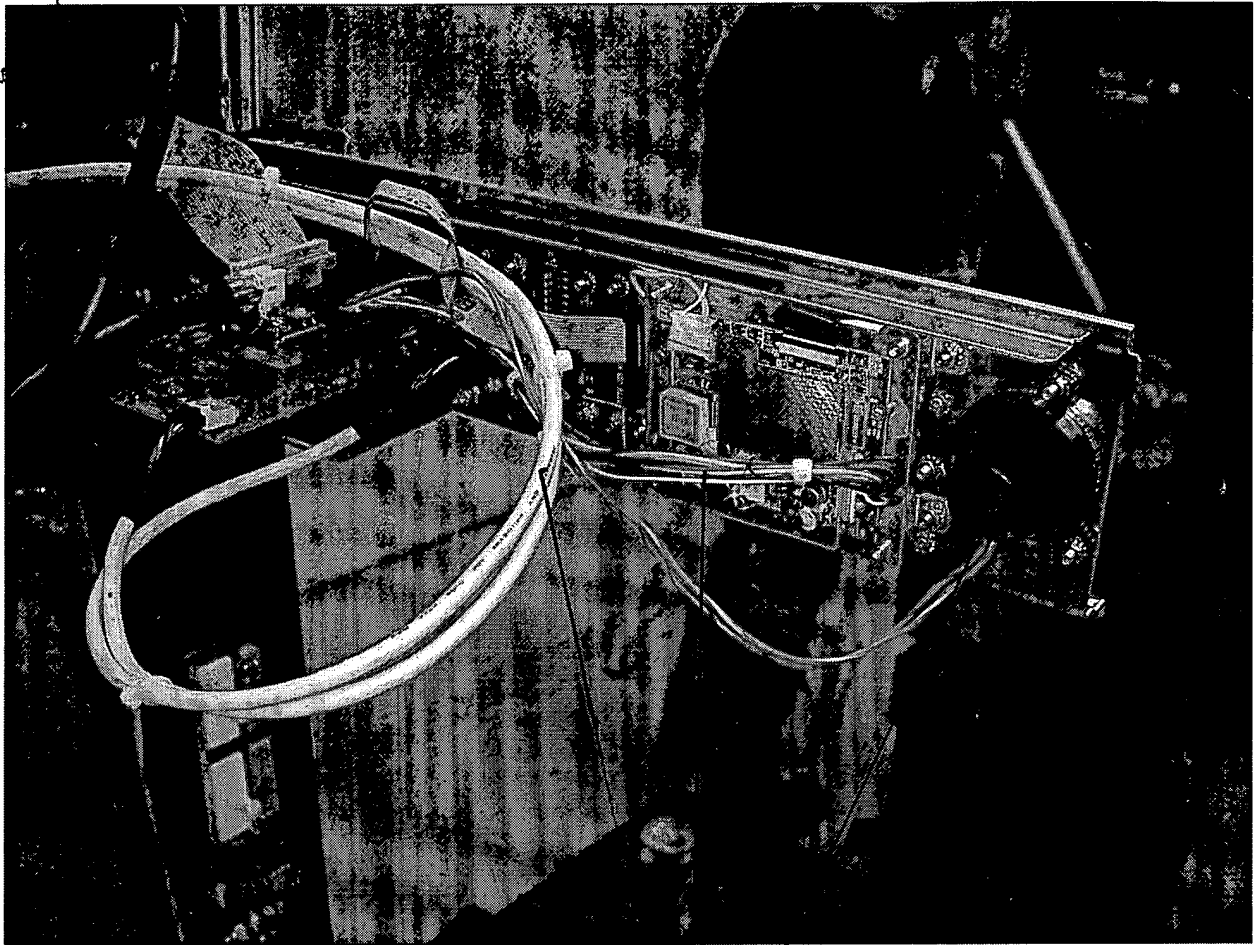
Rear of Front panel w/
view mounted
card reader,
display
key pad

BBB
Photo 3

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connections
to processor
board
from card reader,
Display
Key pad
Speaker

Photo 4

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